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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO.463 OF 2016**

|                           |                |
|---------------------------|----------------|
| Balasaheb Anant Choudhary | ... Petitioner |
| Vs.                       |                |
| The State of Maharashtra  | ... Respondent |

Mr. S.A. Sawant i/by Mr. Abhishek P. Deshmukh for the Petitioner.  
Mr. K.V. Saste, APP for the Respondent No.1.

**CORAM : A.S. OKA &  
ANUJA PRABHUDESSAI, JJ.**

**DATE : 5<sup>th</sup> JANUARY, 2017**

**PC.**

1            Heard the learned counsel appearing for the petitioner and the learned APP for the State. We have also heard Shri Rameshchandra Bafna who appears in person. This Petition proceeds on the footing that on the basis of a complaint made by Shri Bafna that the impugned FIR has been registered.

2            The allegation made in the legal notice dated 4<sup>th</sup> January, 2016 by an Advocate for Shri Bafana to the petitioner - Balasaheb Anant Choudhary (Advadkar) is that though the petitioner is not enrolled as an Advocate in accordance with the provisions of the Advocates Act, 1961, he claims to be an Advocate and has taken large amount by way of professional fees for appearing for Shri Bafana in two cases. The

notice specifically alleges that the present petitioner is not an enrolled Advocate. Reply is issued to the said notice by the petitioner in which a strange contention is raised that the petitioner whose name is Balasaheb Anant Choudhary is not the person to whom the said notice is addressed. In fact, the notice is specifically addressed to him. In the reply to the notice, the petitioner did not claim that he is enrolled as an Advocate though the learned counsel appearing for the petitioner submits that the petitioner is enrolled as an Advocate. In fact, the enrollment certificate issued by the Bar Council is not annexed to the Petition.

3           In short, the contention is that due to similarity in the names the notice was addressed to the petitioner. The learned counsel for the petitioner is not disputing that the FIR is registered against the petitioner. The learned APP has produced for perusal of the Court charge sheet filed against the petitioner in C.R.No.18 of 2016 filed at the instance of Shri Bafna for the offences punishable under Sections 199, 418, 419, 420, 406 and 500 of the Indian Penal Code. Apart from the fact that the petitioner has a remedy as charge sheet is filed, the issue of identity can be resolved only on evidence.

4           Accordingly to us, the entire Petition is misconceived and the same is rejected. However, we make it clear that we have made no adjudication on the merits of the charge sheet referred to above.

**(ANUJA PRABHUDESSAI, J)**

**(A.S. OKA, J)**